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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,753	07/15/2003	Tony Skuse	1-24641	7392

4859 7590 11/04/2005

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,753	SKUSE ET AL.	
	Examiner	Art Unit	
	Chi Q Nguyen	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2005 has been entered.

Claim Objections

Claim 48 is objected to because of the following informalities: it is not clear that the citation "a light transmissive cover that is support on said light directing duct" is same as the citation in claim 44. Appropriate clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43-45, 47-48 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Witzig (US 5,613,333).

In regard to claims 43, 48, Witzig teaches a plurality of roof tiles S that form a portion of a roof R covering a building, the roof tiles defining an upper surface having a

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shape and defining a plane (fig. 1), a panel 5 connected to the roof tiles S and including an opaque tile 13 having an opening 11 formed therethrough, and a light transmissive element 3 that extends across said opening 11; said opaque tile having an upper surface that is substantially identical in shape to said shape of said upper surface of said roof tile (since they are rectangular in shape) which lying in same plane, and a light directing duct 70 that is supported on the light transmissive panel (figs. 5-6).

In regard claim 44, Witzig teaches the claimed invention as stated, wherein further including a light transmissive cover 38 that is supported on the light-directing duct.

In regard claim 45, Witzig teaches the claimed invention as stated, wherein further includes a housing 60/72 having a first end that is support on the opaque tile and a second end that supports the light transmitting duct 70 (figure 5).

In regard claim 47, Witzig teaches the claimed invention as stated, wherein said light transmissive element is supported on said first end of the said housing 60.

In regard claim 50, Witzig teaches the claimed invention wherein the upper surface of the light transmissive panel is flush with the plane defined by the roof tile (figs. 1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witzig.

In regard claim 46, Witzig teaches the claimed invention wherein said first end of the housing 60/72 having a plurality of brackets 74 having outward projecting portion, which could serve as housing flanges. However, Witzig does not teach expressly the opaque tile having a recess so that the housing flange received within the recess. The examiner takes Official Notice the fact that the outward projecting portion secured to the frame 32 for supporting the opaque tile 13 would have been obvious functional equivalent such as securing and supporting the tile in place and align with the duct.

In regard to claim 49, Witzig teaches the claimed invention as stated, which including the transmissive light panel 3 having a first or closed position to allow light shine in the building (see column 3, lines 46-47 and column 5, lines 63-65). However, Witzig does not teach expressly the panel further comprises an air vent or apertures for allowing air from outside the roof to circulate through the duct. The examiner takes Official Notice the fact that the panel having apertures or the panel having operative open/close would have been performed the similar function such as circulating outside air into the building through the duct.

Response to Arguments

Applicant's arguments with respect to claims 43-50 have been fully considered but they are not persuasive because the prior art of record shows or teaches all the claimed structural elements (see above rejections)


Conclusion

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN


10/27/2005

N. Slack
Primary Examiner